

SENATE BILL 910

C7

1lr2718

By: **Senator Muse**

Introduced and read first time: February 21, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Horse Racing – State Racing Commission – Membership**

3 FOR the purpose of requiring that the Governor select a certain number of members of
4 the State Racing Commission from a list provided by certain associations and
5 from certain members of the public at large; requiring that the Governor select
6 the chairperson of the State Racing Commission in a certain manner; declaring
7 the intent of the General Assembly; and generally relating to the State Racing
8 Commission.

9 BY repealing and reenacting, with amendments,
10 Article – Business Regulation
11 Section 11–202
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Business Regulation**

17 11–202.

18 (a) The Commission consists of 9 members, appointed by the Governor, **AS**
19 **PROVIDED IN SUBSECTION (C) OF THIS SECTION**, with the advice and consent of
20 the Senate.

21 (b) At the time of appointment and qualification:

22 (1) each member shall be:

23 (i) at least 25 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) a resident of the State who has resided in the State for at
2 least the last 5 years;

3 (iii) a qualified voter of the State; and

4 (iv) an individual who has not been convicted of a crime that
5 involves moral turpitude;

6 (2) at least 3 members of the Commission shall be knowledgeable or
7 experienced in an aspect of thoroughbred racing; and

8 (3) at least 3 other members shall be knowledgeable or experienced in
9 an aspect of harness racing.

10 (C) (1) (I) **THREE MEMBERS OF THE COMMISSION SHALL BE**
11 **SELECTED BY THE GOVERNOR FROM A LIST PROVIDED BY:**

12 1. **THE MARYLAND THOROUGHBRED HORSEMEN'S**
13 **ASSOCIATION;**

14 2. **THE MARYLAND THOROUGHBRED BREEDERS**
15 **ASSOCIATION; AND**

16 3. **THE OWNERS AND OPERATORS OF THE**
17 **THOROUGHBRED RACETRACKS IN THE STATE;**

18 (II) **THREE MEMBERS OF THE COMMISSION SHALL BE**
19 **SELECTED BY THE GOVERNOR FROM A LIST PROVIDED BY:**

20 1. **THE MARYLAND STANDARDBRED HORSEMEN'S**
21 **ASSOCIATION;**

22 2. **THE MARYLAND STANDARDBRED BREEDERS**
23 **ASSOCIATION; AND**

24 3. **THE OWNERS AND OPERATORS OF THE**
25 **STANDARDBRED RACETRACKS IN THE STATE; AND**

26 (III) 1. **THREE MEMBERS OF THE COMMISSION SHALL BE**
27 **SELECTED BY THE GOVERNOR FROM THE PUBLIC AT LARGE, NONE OF WHOM**
28 **SHALL HAVE A PAST OR CURRENT AFFILIATION WITH HORSE RACING.**

1 **2. THE GOVERNOR SHALL SELECT THE CHAIRMAN**
2 **OF THE COMMISSION FROM ONE OF THE MEMBERS SELECTED UNDER THIS**
3 **SUBPARAGRAPH.**

4 **[(c)] (D)** (1) A member of the Commission may not hold an official
5 relation to a licensee or hold any stocks, bonds, or other financial interest in a licensee.

6 (2) Not more than 4 members who are appointed after July 1, 1989,
7 may have a financial interest in racing in the State.

8 (3) Not more than 6 members may be of the same political party.

9 **[(d)] (E)** Before taking office, each appointee to the Commission shall take
10 the oath required by Article I, § 9 of the Maryland Constitution.

11 **[(e)] (F)** (1) The term of a member of the Commission is 4 years and
12 begins on July 1.

13 (2) The terms of members are staggered as required by the terms
14 provided for members of the Commission on October 1, 1992.

15 (3) At the end of a term, a member continues to serve until a successor
16 is appointed and qualifies.

17 (4) A member who is appointed after a term has begun serves only for
18 the rest of the term and until a successor is appointed and qualifies.

19 **[(f)] (G)** (1) Subject to the hearing requirements of this subsection, the
20 Governor, with the advice of the Secretary, may remove a member of the Commission
21 for inefficiency, misconduct in office, or neglect of duty.

22 (2) Before the Governor removes a member, the Governor shall give
23 the member an opportunity for a public hearing.

24 (3) At least 10 days before the hearing, the Governor shall give the
25 member:

26 (i) a copy of the charges; and

27 (ii) notice of the time and place of the hearing.

28 (4) The member may be represented at the hearing by counsel.

29 (5) If the Governor removes a member, the Governor shall submit to
30 the Secretary of State:

31 (i) a statement of all charges made against the member;

1 (ii) the findings of the Governor; and

2 (iii) a record of the proceedings.

3 **[(g)] (H)** The Governor shall appoint one member of the Commission to
4 serve as a liaison to the State Lottery Commission established under Title 9 of the
5 State Government Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
7 General Assembly that the terms of the members of the State Racing Commission
8 serving on October 1, 2011, expire on that date and that the Governor reconstitute the
9 Commission using the procedure described in this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.